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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,951	02/11/2002	Ronald A. Fein	MS-1-091USC2	8826

22801 7590 11/03/2005

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EXAMINER

KINDRED, ALFORD W

ART UNIT PAPER NUMBER

2163

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,951

Applicant(s)

FEIN ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1. This action is responsive to communications: RCE, filed on 09/12/05.

Allowable Subject Matter

2. Claims 7-12 are allowed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornstein et al., US# 5,867,164, in view of Tsourikov et al., US# 20010014852.

With respect to independent claim 1, Bornstein et al. "constructing a sentence-based summary" ("a computer system for displaying a summary of a document comprising (1) a document containing one or more separate sentences . . ." -column 3, lines 31-40). Bornstein does not explicitly teach "using a phase summarizing process . . . inserting the sentence-based summary in to the file such that the sentence-based summary is before an opening paragraph . . .". Tsourikov et al. teaches "using a phase summarizing process . . . inserting the sentence-based summary in to the file such that the sentence-based summary is before an opening paragraph . . ." (see paragraph [abstract], [0013], and [0046]). It would have been obvious at the time of the invention

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for one of ordinary skill in the art to have combined the teachings of Bornstein and Tsourikov, because using the steps of "using a phase summarizing process . . . inserting the sentence-based summary in to the file such that the sentence-based summary is before an opening paragraph . . .", would have given those skilled in the art the tools to include an abstract of a document's teachings in a user friendly place of a document. This gives users the advantage of inspecting large document more efficiently.

With respect to dependent claim 2, Bornstein et al. discloses "a word Processing application stored in a storage medium which directs a computer to perform the step in the computer-implemented method" (The present invention, including the software and electronics which allow it to be performed . . . numeral 16 indicates a memory device which stores programs according to which the CPU . . ."-column 3, lines 51-64).

With respect to dependent claim 3, Bornstein et al. discloses "an electronic mail application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" (the present invention is equally useful within an electronic mail context where the user can view a summary of the electronic mail received . . ."-column 8, lines 16-20).

With respect to dependent claim 4, Bornstein et al. discloses "an Internet web browser application stored in a storage medium which directs a computer to perform the steps in the computer-implemented method" (the present invention is within the user interface of a modern computer system . . . across a network or even across the

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Internet . . ."-column 8, lines 21-29).

With respect to dependent claim 5, Bornstein et al. discloses "a computer programmed to perform the step in the computer implemented method" ("the interactive document summarization program according the present invention, for example, is generally also stored in memory . . ."-column 3, lines 62-65).

With respect to dependent claim 6, Bornstein et al. disclose "a document file formed in memory as a result of the computer-implement method" ("numeral 16 indicates a memory device which stores programs . . ."-column 3, lines 59-62).

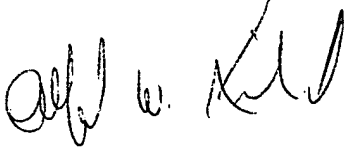
As per claims 13-18 and 20, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-6 and 19 and are similarly rejected.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100